THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27923 of 2005

Dated: 16.06.2006

Between

1.Kotapati Audiseshanaidu and others

…..Petitioners

and

1.The Secretary to Government, Irrigation and

CAD (Projects Wing –LA-2) Dept, Secretariat,

Hyderabad and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27923 of 2005

ORDER:

This writ petiton is filed being aggrieved by GORT No.335 Irrigation & CAD (Projects Wing-LA-II) Department, dated 30.03.2005 issued by the 1st respondent sanctioning certain amounts for the purpose of fulfilling the decree obtained by the petitioner in land acquisition proceedings.

According to the petitioner, the amount payable including the statutory benefits comes to Rs.99,00,000/-, whereas the GO restricted the amounts to

Rs.65,00,000/-.

It is needless to observe that once a decree was passed by the Civil Court and it attained finality before this Court, the petitioner is entitled to work out his remedies by way of filing EP. Any GO issued by the Government interpreting the decree, restricting the amount has no binding effect on the civil Court or on the petitioner also. It is for the executing Court while executing the decree to look into all the legal aspects and pass appropriate orders as to the entitlement of the correct compensation etc. Therefore, passing of the impugned order will not have any bearing on the claim of the petitioner. The writ petition is misconceived and therefore, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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16.06.2006

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